

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Melvin Frazier, Jr.,

Plaintiff,

v.

Al Pacino,

Defendant.

Case No. 2:22-cv-00276-ART-DJA

Report and Recommendation

After Plaintiff filed initiating documents without an application to proceed *in forma pauperis*, the Court gave Plaintiff until May 12, 2022, to apply to proceed *in forma pauperis* or pay the filing fee. (ECF No. 3). After the Court recognized a discrepancy in Plaintiff's inmate number on the docket, it gave him additional time—until July 5, 2022—to apply to proceed *in forma pauperis* or pay the filing fee. (ECF No. 7). That deadline has passed. In ordering Plaintiff to file the application or pay the filing fee the Court explained that “if Plaintiff does not file a complete application or pay the full \$402 filing fee... on or before July 5, 2022, the Court will recommend dismissal of this case.” (*Id.* at 1). To date, the Court has not received an application to proceed *in forma pauperis* or the filing fee.

Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED**.

NOTICE

This report and recommendation is submitted to the United States District Judge assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may file a written objection supported by points and authorities within fourteen days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely

1 objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d
2 1153, 1157 (9th Cir. 1991).

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4 DATED: August 26, 2022

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7 DANIEL J. ALBREGTS
8 UNITED STATES MAGISTRATE JUDGE
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